

REMARKS

Reconsideration of the application as further amended is requested. Since the second Office Action, mailed June 16, 2005, was a final Office Action, a Request for Continued Examination (RCE) is transmitted herewith along with a check in the amount of \$395 to cover the required fee, pursuant to 37 CFR §1.114.

In the second Office Action, Claims 1-4, 6-8, 11-13, 15-17 and 20 were rejected for lack of novelty over Piskula. Independent Claim 1 has been further amended to require that the through bore have a second diameter below the retainer with is *larger* than the first diameter of the knockout. The diameter of lumen 13a of Piskula is clearly *smaller* than the diameter of knock out element 29. Accordingly, withdrawal of the anticipation rejection of independent Claim 1, and Claims 2-4 and 6-8 which depend therefrom, over Piskula is requested.

Applicant's claimed closet flange is not anticipated by, or suggested by, Piskula's *oversized* "integral knock out element" with a diamter too large to allow it to enter the smaller lower portion of the cylindrical main body. Applicant's claimed closet flange accomplishes the function of preventing the knockout 24 from entering the lower portin of the through bore 18 in a new and non-obvious way, namely, by utilizing an *undersized* knock out 24 with a diameter less than the inner diameter of the lower portion of the cylindrical main body 16 and a retainer 26 that extends radially inwardly from the inner wall of the cylindrical main body 16 to prevent the knockout from entering the lower portion of the cylindrical main body 16. The knock out element of Piskula must be "larger in diameter than the lower body portion so that it cannot enter therein when removed from the top." (Column 4, lines 33-35).

Independent Claim 11 has been amended to require that the plastic retainer be an annular lip configured to form a downwardly facing surface opposing a butt end of the standard smaller size drain pipe. This relationship is illustrated in Fig. 6 of the subject application. The downwardly facing surface of annular lip 26 advantageously provides a stop or seat for the flat butt end of smaller drain pipe 14' to limit the degree of vertical insertion of the pipe 14' into through bore 18. Moreover, Piskula does not literally meet the limitation of amended Claim 11 requiring an annular lip extending radially inward from an inner wall of the cylindrical portion.

The smaller diameter of lumen 13a of Piskula is not an annular lip extending radially inward from an inner wall, but is an inner wall itself. Accordingly, withdrawal of the anticipation rejection of independent Claim 11, and Claims 12-13 and 15-17 which depend therefrom, over Piskula is requested.

Dependent Claim 13 has been canceled, since the subject matter thereof has been incorporated into independent Claim 11.

Independent Claim 20 has been amended to require a plurality of circumferentially spaced tabs extending radially inward from an inner wall of the cylindrical portion below the knockout and configured to prevent the knockout from falling down the through bore when broken away. Piskula has no such tabs. Accordingly, withdrawal of the anticipation rejection of amended Claim 20 over Piskula is requested.

In the second Office Action, Claims 9 and 18 were rejected for alleged obviousness over Piskula in view of Fell. However, in view of the further amendments to independent Claims 1 and 11, these rejections are no longer applicable and withdrawal thereof is requested.

The indication of the allowability of the subject matter of dependent Claims 5, 10, 14 and 19 is noted. However, in view of the allowability of amended independent Claims 1 and 11, it is not necessary for these claims to be re-written in independent form.

The present application is believed to be in condition for allowance. Aside from the RCE fee, no additional fee is required at this time. However, the Commissioner is hereby authorized to charge Deposit Account 50-0626 for any additional fee he deems required.

Respectfully submitted,

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